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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SEVEN

RICHARD SOL et al.,

Plaintiffs and Appellants,

v.

MAISON DE VILLE CONDOMINIUM  
ASSOCIATION et al.,

Defendants and Respondents.

B207680

(Super. Ct. No. BC374827)

APPEAL from an order of the Superior Court of Los Angeles County.

Rita Miller, Judge. Affirmed.

Joel F. Tamraz for Plaintiffs and Appellants.

Wood, Smith, Henning & Berman, Lane E. Webb, Alan E. Greenberg and  
Christopher G. Hook for Defendant and Respondent Maison De Ville Condominium  
Association.

Lewis, Brisbois, Bisgaard & Smith and Jason J. Scupine for Defendant and  
Respondent Mitchell Bredefeld.

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In this case we determine whether the trial court abused its discretion in disqualifying attorney Joel Tamraz (Tamraz) as counsel for plaintiffs and appellants Richard and Margaret Sol (the Sols) because of misconduct by Tamraz.

The Sols contend on appeal: (1) Mitchell Bredefeld, a named defendant who filed the motion to disqualify Tamraz, did not have standing because at the time of the hearing Bredefeld's demurrer had been sustained without leave to amend and therefore he was a nonparty; (2) the joinder of other named defendants Van Schoyck and Pash was ineffective because their demurrers were also sustained without leave to amend prior to the hearing on the motion to disqualify; (3) the homeowners' association did not have standing to join in the motion to disqualify because it was a suspended corporation at the time the motion was made; (4) the trial court abused its discretion in disqualifying Tamraz; and (5) the disqualification of Tamraz leaves the Sols without appropriate counsel.

We conclude Bredefeld, Van Schoyck and Pash had standing to make the motion because they were named defendants at the time the motion was filed, and although the demurrers were sustained without leave to amend, the court order was "without prejudice to plaintiffs filing a motion pursuant to Code of Civil Procedure section 425.15." We also conclude (1) the homeowners' association had standing to join in the motion because its corporate status was revived, (2) the trial court did not abuse its discretion in disqualifying counsel, and (3) the Sols have retained other counsel in this case. We affirm.

## **FACTUAL AND PROCEDURAL BACKGROUND**

### *1. Prior lawsuit between Tamraz and the Maison De Ville Homeowners Association (MDV)*

In April 2006, Tamraz, himself a homeowner at the Maison De Ville condominium complex in Malibu California, filed a lawsuit against MDV and volunteer members of the Board of Directors alleging improprieties surrounding the imposition of a special assessment for repairs and maintenance to the complex. The imposition of the special assessment was approved through two majority votes of MDV. On September

29, 2006, Tamraz settled his suit against MDV. As part of the settlement Tamraz agreed to author and send a letter to all MDV homeowners conceding he found “no evidence of any self dealing nor any misappropriation of funds [by the Board] [and he was] satisfied that Board members have acted in the best interests of the Assoc.” Tamraz later refused to sign the concession letter claiming subsequent acts of treachery by defendants because he could not run for a position on the homeowners’ association board of directors. Defendants filed a motion to enforce the written settlement agreement. In January 2007, the trial court ordered the letter be signed by the clerk of the court indicating the letter was signed pursuant to court order with Tamraz refusing to sign.

Several months later, Tamraz again filed suit against MDV and its board members but this time on behalf of homeowners Richard and Margaret Sol, who resided in the same complex. The Sols alleged essentially the same facts and causes of action as previously asserted by Tamraz in connection with the disputed assessments.

## *2. The Lawsuit between the Sols and MDV*

On July 27, 2007, Tamraz filed the operative first amended complaint on behalf of the Sols. The named defendants in the lawsuit included MDV, Judy Van Schoyck, Jenae Pash, Mitchell Bredefeld, Terra Coastal Properties, Inc. doing business as Prudential Malibu Realty, Michael Frank Novotny, and Association Lien Services, Inc.<sup>1</sup>

The operative complaint set forth five causes of action including (1) declaratory relief; (2) injunctive relief to enjoin the collection of an illegal special assessment; (3) breach of fiduciary duty; (4) negligence; and (5) intentional infliction of emotional distress. All causes of action arose out of the purported mismanagement of the MDV community by the association and volunteer members of the Board of Directors for the association including Judy Van Schoyck, Jenae Pash, and Mitchell Bredefeld.

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<sup>1</sup> Terra Coastal Properties and Michael Frank Novotny filed a demurrer to the complaint which was sustained with prejudice.

### *3. Corporate Status of MDV*

At around the same time as Tamraz commenced the lawsuit on behalf of the Sols, Tamraz discovered the homeowners association's corporate status had been suspended on March 15, 2007, for failure to file a statement of information with the California Secretary of State. On August 7, 2007, during the suspension period, Tamraz created a new and separate corporation with the Secretary of State using the name Maison De Ville Homeowners Association, the same name previously owned and used by MDV since 1969. On September 13, 2007, Tamraz sent certain Board members a letter indicating he took the corporate name of the Maison De Ville Homeowners Association, that he was now president of that Association, and notified them that use of his corporate name was forbidden, unauthorized, and illegal.

On September 24, 2007, counsel for MDV sent a cease and desist letter to Tamraz requesting that he cease using the name Maison De Ville Homeowners Association. Counsel for MDV also expressed concern that Tamraz was attempting to collect monies and assessments payable to the Association, and requested he stop this activity and return any monies collected. A letter was also sent to all members of the homeowners association informing them of the issues with respect to the corporate status and informing them they should not pay assessment monies to Tamraz on behalf of the Association.

On October 4, 2007, Tamraz sent out correspondence to all homeowners at the MDV condominium complex, *including the three members of the board of directors who were named parties to the lawsuit*. In this letter, Tamraz threatened to sue anyone who made statements that he attempted to collect monies. He wrote, in part: "**THE PERSON OR PERSONS MAKING THOSE STATEMENTS TO YOU OR TO THE BOARD ARE HUMAN EXCREMENTS WHO WILL ROT IN HELL, AS THE LYING SCUM THAT THEY ARE, AND WILL BE SUED BY ME.**" The letter also states that his acquisition of MDV's corporate name was to obtain a legal tactical advantage. He wrote: "**IF ANYONE TELLS YOU THAT I HAVE TAKEN OR SOLICITED MONEY THAT BELONGS TO OUR ASSOCIATION, PLEASE CONTACT ME**

**AT ONCE SO THAT I CAN SUE THOSE FESTERING SCUM INDIVIDUALS  
FOR LIBEL AND SLANDER FOR THE OUTRAGEOUS AND FALSE  
STATEMENTS AND OBTAIN SUBSTANTIAL JUDGMENTS AGAINST  
THEM.”**

On October 18, 2007, Tamraz sent another letter to MDV homeowners, including those named individual homeowners on the Board of Directors who were also named defendants in the instant case and who were represented by counsel. His letter stated, among other things, that the special assessment was “absurd,” “illegal and is a diversion of Association assets for the benefit of Judy Van Shoyck, Jenae Pash, and Mitchell Bredefeld.” Tamraz asked the homeowners to join him in reversing the absurd emergency assessment. He stated “I, for one, am sick of paying ‘special assessments’ to remedy the mistakes of the directors . . . .” He also asked homeowners to sign and return an enclosed proxy form appointing himself as their representative.

Appellants have requested that we take judicial notice of certain documents in other actions filed by or against attorney Tamraz.<sup>2</sup>

*4. The Motion to Disqualify Tamraz as Counsel for the Sols*

On October 25, 2007, defendant Mitchell Bredefeld filed a motion to disqualify Tamraz from representing the Sols in this action. MDV, Van Schoyck, and Pash each filed joinders in the motion to disqualify. The basis of the motion to disqualify was that

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<sup>2</sup> We deny appellants’ request to take judicial notice of two separate underlying actions involving their attorney: (1) *Tamraz v. Tashjian* (Super.Ct. No. BC391119) an action for libel and slander which the parties *settled*; and (2) *Maison De Ville Condominium Association v. Tamraz* (Super.Ct.No. BC381946) an action for, among other things, negligence in which the court granted defendants’ special motion to strike and the case was *dismissed*.

Appellants fail to state why the requested documents to be noticed are relevant. (Cal. Rules of Court, rule 8.252.) Even if we were to take judicial notice, we conclude those underlying actions are not relevant on appeal because our review of the decision to disqualify attorney Tamraz is based on whether the trial court abused its discretion in finding Tamraz violated rules of professional conduct.

Tamraz had violated California Rules of Professional Conduct, rules 3-200 [prohibited objectives], 5-210 [member as a witness] and 2-100 [communication with a represented party]. In particular, the disqualification was based on letters sent by Tamraz directed to all residents of MDV (including Bredefeld, Van Schoyck, and Pash) and as such constituted prohibited communications with represented parties. Bredefeld later filed declarations from several homeowners in support of his claim that the letters sent by Tamraz were clearly threatening, harassing, and for the purpose of intimidating homeowners. On December 3, 2007, the Sols filed opposition to the motion and on December 7, 2007, Bredefeld filed a reply brief.

On November 19, 2007, the trial court heard and sustained Bredefeld's demurrer as to all causes of action, without leave to amend. The basis for the sustaining of the demurrer was that plaintiffs were forbidden to sue Bredefeld individually unless prior to filing the pleading the court enters an order allowing the action to proceed against directors or officers of a nonprofit corporation. (Code Civ. Proc., § 425.15.) Plaintiffs had not requested such an order. On December 3, 2007, the trial court sustained the demurrers of Van Schoyck and Pash based upon the same grounds as Bredefeld's, that is, plaintiffs had not filed a petition pursuant to Code of Civil Procedure section 425.15 for permission to file a complaint against individuals acting as directors of a nonprofit corporation (the association).

On December 14, 2007, the trial court issued a tentative ruling on the motion to disqualify. The court granted the joinder of Van Schoyck, denied all other joinders and continued the hearing to February 29, 2008, to allow the parties to submit supplemental admissible evidence in support of and in opposition to the motion to disqualify.

In that regard, the court required Tamraz to establish the suit, which was very similar to his own suit, was supported by probable cause and "[t]o do so, he must establish by admissible evidence provided on personal knowledge that the present suit arises out of some action by the defendants that occurred *after* the date of [his own] settlement." Also, the court required defendants to submit additional evidence (1) to support the need to call Tamraz as a witness, and (2) to support its contention that

witnesses were intimidated by Tamraz and were unwilling to participate in litigation. Both sides had the opportunity to submit additional evidence to counter any additional evidence submitted by the opposing side. The following declarations were submitted by defendants:

*a. Declarations of Homeowners and Named Defendants Van Schoyck and Pash*

The declaration of Judy Van Schoyck stated she felt threatened by Tamraz and the purpose of the letters was to intimidate; Pash stated she was a named defendant and even though she had been continuously defended by counsel, she received letters written by Tamraz and those letters appeared to be written for the purpose of harassment and intimidation.

*b. The Rogison Declaration*

In support of the motion to disqualify, homeowner Dennis Rogison declared: “I have resided [in the MDV] community for approximately 20 years. I have had a lengthy and distinguished career as a practicing Orthodontist, but now am retired. During my career, I was active in various dental associations and volunteered to be a member of several state and local dental boards. Upon my retirement, I looked forward to the peace and tranquility of my home in Malibu. [¶] I received the October 2007 correspondence directed to the [MDV] Homeowners authored by Joel Tamraz. [¶] I have a strong desire to avoid circumstances which could have the potential to create an outcome wherein I would become involuntarily involved in litigation. As a retiree, I have a limited pool of assets and becoming involved in litigation would place my pool of resources at risk. [¶] Mr. Tamraz is not shy about using his position as an attorney to intimidate other homeowners in the [MDV] community who disagree with his positions about how the Homeowner’s Association should manage the community. . . . [¶] The October 2007 letters authored by Mr. Tamraz were clearly designed to intimidate and, in order to avoid the potential for a lawsuit to be filed against me, since receiving those letters, I have avoided getting involved in Mr. and Mrs. Sol’s lawsuit against the [MDV] Homeowners Association and its officers filed by Mr. Tamraz. . . .”

*c. The Mantee Declaration*

Homeowner Paul Mantee stated in his declaration, in part, “The sight of yet another of Mr. Tamraz’ letters made my heart sink and my blood run cold. There have been many nasty letters sent to the homeowners by Mr. Tamraz in the past and these October 2007 letters constituted two more. The [ ] letters were filled with bile and accusations in defense of his lawsuit on behalf of Mr. and Mrs. Sol against the [MDV] Homeowners Association and its officers. The letters were full of vitriol and appeared to be for the purpose of threatening homeowners in the community. Mr. Tamraz freely uses his status as an attorney to intimidate homeowners . . . . The subtext of Mr. Tamraz’ October 2007 correspondence is that if other homeowners disagree with his opinion as to how the [MDV] Homeowners Association should be managed, you are a threat to him and he can and will file a lawsuit against you. [¶] I do not wish to be the target of another of Mr. Tamraz’ lawsuits. . . . I have not [and] would never volunteer to be a member of [the] board as such members become immediate targets of lawsuits and threats engendered by Mr. Tamraz. [¶] To participate on the [board] or to take a position adverse to Mr. Tamraz is akin to volunteering to stand at the wrong end of the firing squad.”

*d. The Felts Declaration*

Doris Felts declared in part, “Upon receipt of Mr. Tamraz’ letters, I felt angry and horrified. At the same time, the intimidating nature of Mr. Tamraz’ letters made me resolve to avoid being a target of Mr. Tamraz, and/or Richard and Margaret Sol so that I would not find myself in the same position as those individuals to whom Mr. Tamraz’ letters were directed.”

*e. The Federico Declaration*

Renee Federico stated in part, “ Based upon past events including the October 7, 2007 letters and Mr. Tamraz’ own lawsuit directed against the [MDV] Homeowners Association, I have made it a point to never speak to Mr. Tamraz without witnesses being present. This is because I am concerned that I might be accused by Mr. Tamraz of doing something which he did not approve which could make me the target of litigation



initiated by him. . . . As such, I feel held hostage by virtue of Mr. Tamraz' position as a homeowner in the community who is a practicing attorney. Mr. Tamraz uses his title and profession to intimidate homeowners in the community."

*f. The Gerhart Declaration*

Kelly Gerhart declared "Upon seeing the envelope addressed to me from Mr. Tamraz, my first impulse was not to open it based upon my past experience with Mr. Tamraz and the letters that he has sent. However, when I did open [the letters], I . . . perceived them to be threatening, both express and implied, to the homeowners in the community. [¶] Mr. Tamraz' 2007 letters and past behavior speak volumes about the potential dangers of being a Board member or participating in the defense of the Board."

*g. The Ortiz Declaration*

JoAnn Ortiz stated "My husband and I have resided at [MDV] since 1972. I am employed at Santa Monica College as an Executive Director: SMC Foundation. [¶] Upon receipt of Mr. Tamraz' letters, I resolved that I would avoid getting involved in litigation involving Mr. Tamraz and the MDV Homeowners Board and its members. [His] letters clearly are geared to intimidate [MDV] homeowners. . . ."

On February 5, 2008, the Sols filed the declaration of attorney Tamraz in opposition to the motion for disqualification. Tamraz stated in his declaration (1) the litigation was not prepared or pursued based upon personal animus but only to protect his clients from losing their home; (2) the CC&Rs were violated with regard to the special assessments and in implementing the special assessment; (3) the special assessment violated the Davis-Stirling Common Interest Development Act; (4) the board exceeded its powers; the foreclosure procedure was unlawful; (5) there was no violation of the rules of professional conduct by him; and (6) "the October 4, 2007 letter is raw, however, the court has misinterpreted its purpose."

*5. The trial court's ruling*

On February 29, 2008, the trial court conducted its further hearing on the motion to disqualify. The trial court disqualified Tamraz "in the further of justice on the grounds that his October 2007 letters to all homeowners association members intimidated a

significant percentage of the members and prevented them from assisting defendants in the defense of this case and the only way to mitigate the intimidation is disqualification.” The trial court relied on Code of Civil Procedure section 128 and ruled in part as follows:

“Defendants have established through declarations that the reasonable effect of Tamraz’s October 2007 letters was to prevent a significant percentage of the association’s members from assisting defendants in this action and to intimidate them. The tone of the letters is vitriolic. They clearly identify Tamraz as counsel for the Sols in this action and suggest he is sending the letters in that capacity, rather than purely as a non-attorney as Tamraz argues. The letters put the recipients on notice that they may well be sued if they cross him. [¶] Given the tone of the letters, the court cannot say that the association members’ perception is incorrect. Tamraz’s actions have impeded the defendants’ ability to present their case. Even if the court orders Tamraz not to send any more letters during the pendency of this action, the point has already been made and the damage already done. The only way to provide some protection to potential witnesses and others is to remove Tamraz from the case. Persons who may be witnesses or just bystanders to litigation should not be required to endure such treatment from a person acting as counsel for a party in litigation. [¶] It is reasonably necessary in furtherance of justice to remove Tamraz as counsel for plaintiffs to control his conduct pursuant to Code of Civil Procedure § 128.” The trial court stayed the case for 30 days to allow the Sols to obtain new counsel.

On March 26, 2008, in response to the disqualification, Tamraz filed a petition for writ of mandate. On March 27, 2008, this court ordered oppositions to the writ be filed by Bredefeld, Pash, Van Schyock and MDV and that the proceedings be stayed until April 8, 2008, pending review of the opposition. Bredefeld and Pash filed opposition to the writ of mandate and MDV filed a joinder to the opposition.

On April 9, 2008, this court denied Tamraz’s petition for writ of mandate and the stay previously issued March 28, 2008 was vacated. On April 29, 2008, Tamraz filed a timely notice of appeal. This court has stayed the trial pending final disposition of this appeal or further order of this court.

## *6. Contentions on appeal*

Appellants contend (1) Bredefeld, who filed the motion for order disqualifying Tamraz, did not have standing to bring such a motion since as of the time of the hearing Bredefeld was not a party to the action, his demurrer to the first amended complaint having been sustained without leave to amend; (2) the joinder by Van Schoyck and Pash, whose demurrers were also sustained without leave to amend, was ineffective in that Van Schoyck and Pash, in addition to joining in an unauthorized and improper motion, were also non parties and unauthorized to make the motion in their own right; (3) MDV did not have standing to join in such a motion in that it was a suspended corporation at the time the motion was made; (4) the trial court abused its discretion in disqualifying the Sols' attorney from representing them further in the action; and (5) the disqualification of the Sols' attorney leaves the Sols without appropriate counsel.

## **DISCUSSION**

### ***1. Standard of Review***

An order granting or denying a disqualification motion is an appealable order. (*Meehan v. Hopps* (1955) 45 Cal.2d 213, 215.) We review a trial court's decision on a disqualification motion for abuse of discretion, and accept as correct all of its express or implied findings supported by substantial evidence. (*People ex rel. Dept. of Corporations v. Speedee Oil Change Systems, Inc.* (1999) 20 Cal.4th 1135, 1143.) The trial court's exercise of discretion is limited by the applicable legal principles and is subject to reversal when there is no reasonable basis for the action. (*In re complex Asbestos Litigation* (1991) 232 Cal.App.3d 572, 585.)

“In viewing the evidence, we look only to the evidence supporting the prevailing party. [Citation.] We discard evidence unfavorable to the prevailing party as not having sufficient verity to be accepted by the trier of fact. [Citation.] Where the trial court has drawn reasonable inferences from the evidence, we have no power to draw different

inferences, even though different inferences may also be reasonable.” (*Federal Home Loan Mortgage Co. v. LaConchita Ranch Co.* (1998) 68 Cal.App.4th 856, 860.)

“If there is any conflict in the affidavits [or declarations], those in favor of the prevailing party must be taken as true, and the facts stated therein must be considered established.” (*Chronometrics, Inc. v. Sysgen, Inc.* (1980) 110 Cal.App.3d 597, 603.)

“However, the conclusion the court reached based upon those findings of fact will be reviewed by this court for abuse of discretion.” (*Higdon v. Superior Court* (1991) 227 Cal.App.3d 1667, 1671.)

## ***2. Standing of individual board members to bring the motion to disqualify***

Appellants argue that Mitchell Bredefeld, as a result of his demurrer being sustained without leave to amend on November 21, 2007, was not a party to the action at the time the motion to disqualify was heard on December 14, 2007, and then continued to February 29, 2008. Further, appellants argue that neither defendant Pash nor defendant Van Schoyck could have properly joined in the motion to disqualify since they had obtained a similar ruling on their demurrers on December 3, 2007, and thus were not parties to the action at the time the motion to disqualify was heard. We disagree.

After a demurrer is sustained without leave to amend, either party may move for dismissal under Code of Civil Procedure section 581, subdivision (f)(1). Here, although the court sustained the demurrers as to all causes of action without leave to amend, the court also made such ruling *without prejudice* to the Sols’ ability to file a motion under Code of Civil Procedure section 425.15 to obtain permission to assert a complaint against a homeowners association board member.

Moreover, attorney Tamraz stated in open court that he intended to file the motion pursuant to Code of Civil Procedure section 425.15 in order to bring Bredefeld back into the lawsuit. A dismissal was never filed by the Sols as to any of these defendants. In fact, despite continued lack of compliance with Code of Civil Procedure section 425.15, the Sols filed a second amended verified complaint on February 26, 2008, again naming Bredefeld, Van Schoyck and Pash as individual defendants.

It is undisputed that on the date the original motion to disqualify was filed (October 25, 2007) each defendant was still a party to the action. Appellants argue standing as to these three individuals changed once the trial court sustained their demurrers. However, while the demurrers of these individuals were sustained, appellants had the ability to bring them back into the case by filing a Code of Civil Procedure section 425.15 pleading.

More importantly, appellants did not treat Bredefeld, Van Schoyck or Pash as nonparties after the demurrers were sustained. Tamraz filed a second amended complaint on behalf of the Sols on February 26, 2008, again naming these individuals as parties and again naming volunteer board members as individual defendants without first obtaining the necessary order pursuant to Code of Civil Procedure section 425.15. It seems disingenuous to argue they did not have standing when Tamraz continued to name them as individual defendants. Absent a formal order dismissing them from the case, these individuals were still parties to the action and the trial court did not err in hearing the motion to disqualify.

***3. MDV had standing to join in the motion to disqualify***

Appellants argue that the February 11, 2008, joinder filed by MDV was defective because MDV, as it alleged, was a suspended corporation at the time it filed the joinder to the motion to disqualify.

On November 30, 2007, MDV was revived in the new name of Maison De Ville Condominium Association and papers to this effect were submitted to the court. Appellants did not object to the joinder by the newly named MDV and therefore have waived any objections. Also, appellants have not presented evidence to support their argument that MDV was not a valid party with the ability to defend itself or seek redress from the court.

***4. The trial court did not abuse its discretion in granting the motion to disqualify Tamraz.***

A trial court's authority to disqualify an attorney derives from every court's inherent power to control its officers. (Code Civ. Proc., § 128, subd. (a)(5).) Ultimately,

disqualification motions involve a conflict between the clients' right to counsel of their choice and the need to maintain ethical standards of professional responsibility. The paramount concern is to preserve public trust in the administration of justice and the integrity of the bar. The important right to counsel of one's choice must yield to ethical considerations that affect the fundamental principles of our judicial process. (*People ex rel. Dept. of Corporations v. Speedee Oil Change Systems, Inc.*, *supra*, 20 Cal.4th 1135, 1143.)

If the status or misconduct which is urged as a ground for disqualification of an attorney will have a continuing effect on the judicial proceedings before the court, the court is justified in refusing to permit the lawyer to participate in such proceedings. (*Chronometrics, Inc. v. Sysgen, Inc.*, *supra*, 110 Cal.App.3d at p. 607.) Here, the trial court did not abuse its discretion in determining that Tamraz's intimidation of a substantial percentage of homeowners at MDV would likely have a continuing effect on the judicial proceedings before the court. Nor have appellants presented evidence to establish the trial court abused its discretion. Appellants do not dispute the documentary evidence presented, other than to say they dispute the import of certain documents. Also, statements contained in appellants' brief on appeal, prepared by the disqualified attorney, provide no actual evidence suggesting the trial court's ruling was an abuse of discretion.

The trial court gave serious consideration to the papers submitted by all parties and engaged in a review of allegations against Mr. Tamraz and the potential impact of his actions on the instant litigation. Two hearings were conducted and additional evidence was presented to properly evaluate the propriety of the claims made in the motion to disqualify.

While appellants argue the trial court erred because Tamraz either did not mean what he said in his letters or because his actions were not illegal per se, we find this is not the standard on which a reviewing court evaluates a motion to disqualify. The court found the actions of Tamraz "impeded defendants' ability to present their case" and even if Tamraz was ordered not to send more letters during the pendency of the action, the damage had already been done. The court noted "The only way to provide some

protection to potential witnesses and others is to remove Tamraz from the case. Persons who may be witnesses or just bystanders to litigation should not be required to endure such treatment from a person acting as counsel for a party in litigation.”

We note also, reversing the motion to disqualify as to one party but not others does not promote a policy of judicial economy. MDV would likely refile an identical motion to disqualify based on the same underlying facts. Substantial judicial resources are therefore preserved. Furthermore, appellants argue that disqualification of Tamraz left them without appropriate counsel. However, no evidence is offered to support this claim. The trial court stayed the matter for 30 days to allow them to find other counsel, which they did and the proceedings had been progressing in any event since the Sols retained other counsel in this case.

We find no abuse of the trial court’s discretion and therefore affirm the order disqualifying counsel. On May 15, 2009, this court granted a stay of the proceedings pending final disposition of this appeal or further order of this court. The stay of proceedings is vacated.

### **DISPOSITION**

The order is affirmed. MDV and Bredefeld to recover costs on appeal.

**WOODS, Acting P. J.**

**We concur:**

**ZELON, J.**

**JACKSON, J.**